



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

FACT SHEET FOR H.B. 2612

occupational regulation

Purpose

Eliminates requirements relating to the character of an applicant for an occupational license, permit, certification or other state recognition.

Background

A person with a criminal record may petition an agency for a determination of whether the person's criminal record disqualifies the person from obtaining an occupational license, permit, certification or other state recognition. An agency must issue a determination within 90 days that includes findings of fact and conclusions of law and may disqualify the person only if the agency concludes that the state has an important interest in protecting public safety that is superior to the person's right and either: 1) the person was convicted within the previous seven years of a felony offense, violent crime or, if the license is for an occupation in which the applicant would owe a fiduciary duty to a client, specified offenses related to forgery or fraud; or 2) if the person was convicted at any time of a dangerous offense, serious offense, dangerous crime against children, sexual offense, sexual exploitation of children offense or an offense that a law specifically requires the agency to consider when issuing a license. The limitations on an agency's authority to disqualify a person from obtaining a license do not apply to specified entities ([A.R.S. § 41-1093.04](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Eliminates the requirements for there to be a finding on whether an applicant is of good character or reputation, has integrity or is honest, moral, trustworthy or truthful to be eligible for a license, permit, certification or other state recognition relating to the following and issued by the following entities:
 - a) livestock slaughter and meat sales by the Arizona Department of Agriculture;
 - b) liquor business by the Department of Liquor Licenses and Control;
 - c) horse racing, fantasy sports contests and event wagering by the Arizona Department of Gaming;
 - d) games of bingo by a local governing authority;
 - e) sales agents for lottery tickets or shares by the State Lottery Commission;
 - f) school bus drivers by the Department of Public Safety;
 - g) traffic survival schools by the Arizona Department of Transportation;
 - h) alarm businesses, controlling persons or agents, architects, engineers, geologists, home inspectors and land surveyors by the Arizona Board of Technical Registration;
 - i) contractors by the Registrar of Contractors;
 - j) certified public accountants by the Board of Accountancy;

- k) podiatrists by the Board of Podiatry Examiners;
- l) chiropractors by the Board of Chiropractic Examiners;
- m) dentists, dental consultants, dental hygienists and the denture technology practice by the Arizona State Board of Dental Examiners;
- n) naturopathic physicians and specialists by the Naturopathic Physicians Medical Board;
- o) dispensing opticians by the Board of Dispensing Opticians;
- p) optometrists by the Board of Optometry;
- q) osteopathic physicians and surgeons by the Arizona Board of Osteopathic Examiners in Medicine and Surgery;
- r) pharmacists and pharmacy technicians by the Board of Pharmacy;
- s) physical therapists by the Board of Physical Therapy;
- t) behavior analysts by the Board of Psychologist Examiners;
- u) real estate professionals by the Arizona Department of Real Estate;
- v) veterinarians and veterinarian technicians by the Veterinary Medical Examining Board;
- w) homeopathic physicians by the Board of Homeopathic and Integrated Medicine Examiners;
- x) behavioral health professionals by the Arizona State Board of Behavioral Health Examiners;
- y) occupational therapists and assistants by the Board of Occupational Therapy Examiners;
- z) certified reporters by the Board of Certified Reporters;
- aa) athletic trainers by the Board of Athletic Training;
- bb) massage therapists by the Board of Massage Therapy;
- cc) nursing care institution administrators and assisted living facility managers by the Board of Nursing Care Institution Administrators and Assisted Living Facility Managers;
- dd) public notaries by the Secretary of State's Office;
- ee) manufactured home professionals by the Arizona Department of Housing;
- ff) security dealers and salespersons by the Arizona Corporation Commission;
- gg) radiologic technologists, midwives, hearing aid dispensers, audiologists and speech-language pathologists by the Arizona Department of Health Services; and
- hh) bank or in-state financial institution acquisitions, banking, consumer loan businesses, trust companies, escrow agents, mortgage brokers, mortgage bankers, commercial mortgage bankers, loan originators, financial institution holding companies, money transmitters, premium finance companies, surplus line brokers, insurance holding company system administrators, reinsurance intermediary brokers, prepaid dental plan organizations, health care services organizations, service companies, mechanical reimbursement reinsurers, collection agencies, real estate appraisers and appraisal management companies by the Department of Insurance and Financial Institutions.

2. Makes technical and conforming changes.

3. Becomes effective on the general effective date.

House Action

COM	2/15/22	DP	10-0-0-0
3 rd Read	2/23/22		59-0-1

Prepared by Senate Research

March 7, 2022

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